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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 John Doe,

No. CV-21-01629-PHX-MTM

10 Plaintiff,

ORDER

11 v.

12 Accurate Background LLC,

13 Defendant.

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15 Before the Court is Plaintiff's motion to proceed by pseudonym and for protective
16 order. (Doc. 5.) When determining whether to allow a party to proceed by pseudonym, the
17 court should weigh the party's need for anonymity against potential prejudice to the
18 opposing party and the public's interest in knowing the party's identity. *Does I thru XXIII*
19 v. *Advanced Textile Corp.*, 214 F.3d 1058, 1068 (9th Cir. 2000). Here, the Court finds
20 Plaintiff's need for anonymity outweighs the other factors at this early stage of the case,
21 though this balance may change as the litigation process continues. *See id.* at 1069.
22 Plaintiff's motion, however, fails to include a certification he conferred with Defendant.
23 *See* Fed. R. Civ. P. 26(c)(1) ("The motion [for protective order] must include a certification
24 that the movant has in good faith conferred or attempted to confer with other affected
25 parties in an effort to resolve the dispute without court action."). The Court may revisit
26 Plaintiff's motion when it includes the required certification.

27 **IT IS ORDERED** Plaintiff's motion to proceed by pseudonym and for protective
28 order (Doc. 5) is **DENIED WITHOUT PREJUDICE**.

IT IS FUTHER ORDERED the Court will reconsider Plaintiff's request upon Plaintiff filing a compliant motion. *See* Fed. R. Civ. P. 26(c)(1).

Dated this 23rd day of September, 2021.

Michael T. Morrissey
Honorable Michael T. Morrissey
United States Magistrate Judge